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**FACSIMILE TRANSMITTAL**

**TO**

**Name:** Examiner Katherine Thompson  
**Firm:** U.S. Patent and Trademark Office  
**Fax No.:** (703) 872-9306  
**Phone No.:** (703) 305-3286  
**Date:** October 17, 2003  
**Subject:** U.S. Application Serial No. 09/845,162

**FROM**

**Name:** Elizabeth M. Burke  
**Phone No.:** (202) 408-4488  
**Fax # Verified by:** Mimi Radbill  
**# Pages (incl. this):** 79  
**Our File No.:** 08386.0003-00000

**Confirmation Copy to Follow: N**

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**Message:**

As per our conversation of today, following this cover sheet are all the papers we filed since June 21, 2002 for the above-referenced case.

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**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

In Re Application of: Dennis W. WAHR et al.

Serial No.: 09/845,162

Group Art Unit: 3763

Filed: May 1, 2001

Examiner: Not Assigned Yet

For: EMBOLI PROTECTION DEVICES AND RELATED METHODS OF USE

- 
1. Fifth Supplemental Information Disclosure Statement Under 37 C.F.R. 1.97(b).
  2. PTO Form 1449 with 3 references.

Dated June 21, 2002

Docket No.: 08386.0003-00

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(Due Date: N/A)

DET - BCM/LIB/EMB

PATENT  
Customer No. 22,852  
Attorney Docket No. 08386.0003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dennis W. WAHR et al.

Group Art Unit: 3763

Application No.: 09/845,162

Examiner: Unknown

Filed: May 1, 2001

For: EMBOLI PROTECTION DEVICES  
AND RELATED METHODS OF USECommissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the document listed on the attached PTO 1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art

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against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 21, 2002

By: *Elizabeth M. Burke*  
Elizabeth M. Burke  
Reg. No. 38,758

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